

E-FILING

United States District Court

FILED

NORTHERN

DISTRICT OF

CALIFORNIA

2007 JUL -9 P 2:16

UNITED STATES OF AMERICA

V.

MARTINEZ-Mendoza, Miguel Angel
(Name and Address of Defendant)

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.

CRIMINAL COMPLAINT

07 70402
CASE NUMBER:

RS

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, May 22, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Bernard T. Kennedy
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

7-9-07

Date

at

San Jose, California

City and State

Richard Seeborg
United States Magistrate Judge
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: MARTINEZ-Mendoza, Miguel Angel A92 033 665

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. MARTINEZ-Mendoza is a 35-year-old male who has used eight (8) aliases and two (2) dates of birth in the past.
- (2) Mr. MARTINEZ-Mendoza has been assigned one (1) Alien Registration number of A92 033 665, FBI number of 130556NA3, California Criminal Information Index number of A08390527, and a California Department of Correction number F41608.
- (3) Mr. MARTINEZ-Mendoza is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on four (4) occasions from the United States:

<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
November 1, 1996	Calexico, CA
November 23, 2002	Laredo, TX
July 26, 2003	San Ysidro, CA
April 26, 2005	San Ysidro, CA

- (4) Mr. MARTINEZ-Mendoza last entered the United States at or near San Ysidro, CA on or after April 26, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MARTINEZ-Mendoza on a date unknown, but no later than May 22, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On May 22, 2007, Mr. MARTINEZ-Mendoza was interviewed by Immigration Enforcement Agent (IEA) Alejandro Felix at the CTF-Soledad State Prison, Soledad, CA, and during that interview, Mr. MARTINEZ-Mendoza was advised of his **Miranda** rights in English. Mr. MARTINEZ-Mendoza waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportations, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

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- (6) Mr. MARTINEZ-Mendoza was, on July 26, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of RECEIVE STOLEN PROPERTY, a felony, in violation of Section 496.1 of the California Penal Code, and was sentenced to one hundred eighty (180) days in jail.
- (7) Mr. MARTINEZ-Mendoza was, on November 16, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of CARRY CONCEALED WEAPON ON PERSON/VEHICLE, a misdemeanor, in violation of Section 12025 of the California Penal Code, and was sentenced to thirty (30) days in jail.
- (8) Mr. MARTINEZ-Mendoza was, on November 20, 1990, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of UNLAWFUL TAKING OF A VEHICLE, a felony, in violation of Section 10851.A of the California Vehicle Code, and was sentenced to three (3) years with the California Youth Authority.
- (9) Mr. MARTINEZ-Mendoza was, on January 22, 1999, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of BURGLARY, a felony, in violation of Section 459 of the California Penal Code, and was sentenced to one hundred twenty (120) days in jail.
- (10) Mr. MARTINEZ-Mendoza was, on June 7, 2002, convicted in the United States District Court, Western District of Texas, for the offense of ILLEGAL RE-ENTRY, in violation of 8 United States Code Section 1326, and was sentenced to eight (8) months.
- (11) Mr. MARTINEZ-Mendoza was, on June 02, 2003, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11377(a) of the California Health and Safety Code, and was sentenced to three hundred sixty five (365) days in jail.
- (12) Mr. MARTINEZ-Mendoza was, on July 16, 2004, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of CARRY A DIRK OR DAGGER, a felony, in violation of Section 12020(a)(4) of the California Penal Code, and was sentenced to two (2) years in prison.
- (13) Mr. MARTINEZ-Mendoza was, on October 12, 2005, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF CONTROLLED SUBSTANCE, a felony, in violation of Section 11350(a) of the California Health and Safety Code, and was sentenced to two (2) years in prison.

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- (14) Mr. MARTINEZ-Mendoza was, on July 13, 2006, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of POSSESSION OF FIREARM BY A FELON, an aggravated felony, in violation of Section 12021(a)(1) of the California Penal Code, and was sentenced to two (2) years in prison.
- (15) On the basis of the above information, there is probable cause to believe that Mr. MARTINEZ-Mendoza illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.



Trong Q. Nguyen
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 9th day of July, 2007



RICHARD SEEBORG
UNITED STATES MAGISTRATE JUDGE